

**PLANNING COMMISSION SPECIAL SESSION  
ANNUAL JOINT MEETING  
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA  
THURSDAY, MARCH 17, 2016**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers</i>	
	<i>Dean Enell – Chair</i>	
	<i>Karen Krug</i>	
<i>District 2</i>		<i>Jeffery Wallin</i>
	<i>George Saul</i>	
	<i>Darin Hand</i>	
<i>District 3</i>	<i>Jim Caspers</i>	
	<i>Beth Munson</i>	
	<i>Scott Yonkman</i>	

The Board of Island County Commissioner's Chair, Rick Hannold called the Annual Joint meeting of the Board of Island County Commissioners, the Island County Planning Commission and the Island County Hearing Examiner to order, noting that all Board members were present.

The Planning Commission's Chair, Dean Enell called the Island County Planning Commission meeting to order at 9:02 a.m.

**ROLL CALL**

Val Hillers, Dean Enell, Karen Krug, Beth Munson, George Saul, Scott Yonkman, James Caspers, Darin Hand.

Planning staff present: Keith Higman, Interim Long Range Planning Director; Hiller West, Director of Community Development; Beckye Frey, Long Range Planner; Meredith Penny, Long Range Planner; Nathan Howard, Long Range Planner.

Island County Hearing Examiner Michael Bobbink was also in attendance.

**MINUTES:**

None to approve at this time.

**HEARING EXAMINER'S REPORT**

Island County Hearing Examiner Michael Bobbink addressed the Planning Commission, Board of County Commissioners, and staff to give his annual report (below).

## ***The Island County Hearing Examiner 2015 Annual Report***

*This report is a summary of the Island County Hearing Examiner Hearings held during the year 2015. It is being prepared for distribution prior to the Annual Meeting between the Island County Commissioners, the Island County Planning Commission, and the Island County Hearing Examiner, scheduled for March 17, 2016, at 9:00 A.M.*

*This information and copies of the Decisions are also available on the Planning and Community Development Department website under Hearing Examiner.*

*Only three public hearings were held by the Hearing Examiner in the year 2015.*

*The first was a hearing on a Site Plan Review Application, SPR 159/15. This was a review of a proposal to construct a 1,920 square-foot welding shop, and to operate the shop as a home industry on a Rural zoned parcel. The permit was approved, subject to Conditions of Approval, in a Decision issued by the Hearing Examiner on September 15, 2015. This was the first public hearing held by the Hearing Examiner in 2015.*

*The second hearing was also a Site Plan Review, SPR 174/15. This Application again sought approval of location of a home industry blacksmith shop in the Rural zone.*

*This Application was approved, subject to 25 Conditions of Approval, in a Decision issued by the Hearing Examiner on November 24, 2015.*

*The final public hearing held by the Hearing Examiner in 2015 was on a Preliminary Long Plat Application, PLP 232/15. This Application sought subdivision approval for the creation of five single-family lots of 5-acres or larger in size on a 28.9 acre parcel located in the Rural zone. Preliminary Long Subdivision Approval was granted, subject to 21 Conditions of Approval, in a Decision issued by the Hearing Examiner on December 9, 2015.*

*There were public comments on all three applications. Members of the public, concerned about or opposed to the Applications, testified at two of the three hearings.*

*There were no public hearings scheduled before the Hearing Examiner between July 2014 and September 2015. To date, there have been no Hearing Examiner Hearings in 2016. Three matters are scheduled for hearing on April 15, 2016.*

*The Hearing Examiner worked with the Planning Director, members of the Planning Department, and a Staff Attorney from the Island County Prosecuting Attorney's Office in the months of July through December 2015. The work included phone conferences and meetings to identify and propose changes in the Island County Code that could be handled through a "code scrub," and identifying other areas of the Code that were felt to need work, but which would require policy decisions and, therefore, the involvement of the Commissioners and the Planning Commission.*

*Michael Bobbink  
Island County Hearing Examiner  
March 1, 2016*

Hearing Examiner Michael Bobbink noted that he has been Island County Hearing Examiner since 1990. He stated as Hearing Examiner he is an administrative law judge, handling particular hearings on applications or appeals through a judicial process on the record. He prepares a documentary record and makes a decision on these types of cases which are subsequently appealable to another entity, either the Board of County Commissioners (BOCC) or Superior Court. He noted that he applies our Code and is not a policy maker. He said that in 2015, he heard only three cases, in contrast to a few years ago.

#### ***ADDITIONAL HEARING EXAMINER DISCUSSION: CODE CLEANUP***

- Commissioner Price Johnson asked Mr. Bobbink about his role in Island County Code cleanup.
  - Mr. Bobbink replied that, although he had worked on this last year, the process had since become inactive, so he has quit billing for it. He noted that it makes more sense to wait until the Comprehensive Plan Update has been completed to revisit cleanup, since Code will be changing through the Comp Plan process.
  - Mr. Bobbink feels that the best way for the County to make use of his services is to have him review statutes, once an original draft is produced. In this process, he looks for language that is open to different interpretations. Since our Code is online and searchable, we can easily find all instances of a term, to ensure that definitions and language are consistent. He noted that Chief Deputy Prosecuting Attorney Dan Mitchell has some limited authority to do some Code cleanup on his own.
- Commissioner Price Johnson stated that we shouldn't wait further on those Code cleanup items that won't be affected by the Comprehensive Plan Update policy changes. She would like to see us continually incorporate this process into our Annual Docket, so that we aren't hit with 20 years' worth of Code changes at once.
  - Mr. Bobbink noted that since he is doing far fewer hearings these days, he is not as familiar with our current code as he once was. He said that over the years, small changes had been adopted piecemeal, and an important issue had not been addressed.
- Commissioner Jill Johnson asked for clarification about what this big issue is.
  - Mr. Bobbink referenced wineries, specifically the Comfort Winery. He noted that he had issued a Decision a couple of years prior regarding this winery, and had detailed areas in the Code that needed attention to clarify zoning and land use regulations for wineries in Island County. He observed that within this single issue, there were two or three sections of the Comprehensive Plan and several sections of zoning ordinance that need to be reconciled. These policy items could be addressed by the Planning Commission's process, in which they will make recommendations to the BOCC.
    - Planner Beckye Frey interjected that staff is proposing that upcoming phases of the Comprehensive Plan Update incorporate this Code cleanup as an annual auditing process. She noted that this process could begin at the end of this year, after the adoption of the new Comprehensive Plan Update.
- Director Hiller West noted that he had become involved in the Code cleanup process last year by Dave Wechner, former Director. At that time, a list of potential cleanup items was compiled, and staff intends to bring these before the Planning Commission in phases. At

that point, the Planning Commission will make recommendations to the BOCC for adoption.

### ***ADDITIONAL HEARING EXAMINER DISCUSSION: COST OF APPEAL***

Hearing Examiner Bobbink observed that the number of appeals has drastically reduced in recent years. He believes that is because property owners are becoming used to the GMA regulations that have been in effect for many years now, and because expectations have changed, there are fewer cases to be heard. He stated that another factor causing fewer appeals may be the prohibitive cost to the appellant, or the fact that there has been a marked economic downturn in recent years.

Mr. Bobbink stated firmly that the big policy issue that needs addressing is: What kind of economic activity are we going to allow within Rural Zones? Until that policy is created and understood, it's difficult to write the corresponding Code.

- Director Keith Higman interjected that in 2012, Island County amended its fee structure, bringing the cost of an appeal of a land use decision from only \$60 to \$1500. He noted that the Fee Schedule is reviewed by the BOCC when staff requests it. He stated that fees are determined based on a process of averaging, and that there are no grants available to balance the County's cost to process Site Plan Reviews.
  - Mr. Bobbink believes that this high cost prevents code issues from coming to light, where they can be resolved.
  - Mr. Bobbink said that, in his experience, it's reasonable to recoup costs of a regular permit process, but where appeals and enforcement are concerned, it's important to not make the cost unduly burdensome to appellants. Some jurisdictions have faced expensive litigation in federal court over the way they are enforcing their land use regulations, since this can be a constitutional issue.

In addition, Mr. Bobbink cautioned against issuing stop work orders or revoking permits without a pre-deprivation hearing. It is a legal requirement, but Island County has no mechanism for doing so currently. Ultimately, someone could sue on constitutional rights grounds and prevail in federal court.

- Commissioner Johnson asked if this has been discussed with the Prosecutor's office.
  - Mr. Bobbink said he had not and offered to talk with Dan Mitchell about it.
  - Fees vary from jurisdiction to jurisdiction.

Chief Deputy Prosecutor Dan Mitchell arrived at 9:37 a.m.

Prosecutor Mitchell said that his office had not previously been involved in fee setting discussions for appeals, but his office is happy to participate when requested.

### **2015 ANNUAL REVIEW DOCKET AND 2016 ANNUAL DOCKET & WORK PLAN**

Director Keith Higman stated that going forward we intend to use the Annual Docket as a tool to better administer our workload from year to year. If we are able to distribute Comprehensive Plan

Update items within each annual review cycle, then there won't be such an overwhelming workload when the Comp Plan comes due.

Planner Beckye Frey reported that the Planning Department is continuing to move the Comp Plan forward. She stated that by June 30<sup>th</sup> we will adopt a resolution of substantial progress, per guidance from the Department of Commerce. She noted that many jurisdictions that have not made their deadlines and in fact, some jurisdictions hadn't yet made their intended 2015 deadline. The Department of Commerce has provided examples in today's meeting materials (*example below*) of plans of action we can use to accomplish that. However, she doesn't expect that we will have the draft to the Department of Commerce by the end of June, because the Planning Department is still understaffed.

**CITY OF MERCER ISLAND**

**RESOLUTION NO. 1500**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON  
DETAILING THE CITY'S SUBSTANTIAL PROGRESS TOWARDS  
FULFILLMENT OF THE REQUIREMENTS OF THE 2015 STATE  
MANDATED PERIODIC COMPREHENSIVE PLAN UPDATE AND  
DELAYING THE PROCESS TO ALLOW FOR COMPLETION OF TOWN  
CENTER VISIONING.**

**WHEREAS**, pursuant to RCW 36.70A.040, the City of Mercer Island is subject to the State Growth Management Act; and

**WHEREAS**, RCW 36.70A.130(1) requires the City of Mercer Island to take legislative action to review and, if needed, revise its comprehensive plan and development regulations, to comply with the requirements in Chapter 36.70A RCW; and

**WHEREAS**, the deadline for the City of Mercer Island to update its comprehensive plan, as required by RCW 36.70A.130(5)(a), is June 30, 2015; and

**WHEREAS**, through an analysis of the existing comprehensive plan and development regulations for consistency with the requirements of Chapter 36.70A RCW, it was concluded updates were needed to comply with Chapter 36.70A RCW; and

**WHEREAS**, City staff presented the draft scope of work for the comprehensive plan update on February 3, 2014, and the City Council reached consensus on support of the draft scope of work; and

**WHEREAS**, the City Council formally approved the scope of work on July 21, 2014 via adoption of the 2014 Planning Commission Work Plan; and

**WHEREAS**, the Planning Commission reviewed the comprehensive plan update over the course of eight public meetings during which opportunities for public comment were provided; and

**WHEREAS**, an open record public hearing was held by the Planning Commission on November 19, 2014 to consider the draft comprehensive plan update, and the Planning Commission subsequently forwarded a recommended comprehensive plan to the City Council; and

**WHEREAS**, pursuant to RCW 36.70A.106, notice of proposed amendments to the comprehensive plan was submitted to the Washington State Department of Commerce at least sixty days prior to adoption of said amendments; and

**WHEREAS**, the City Council reviewed and discussed the recommended update on May 4, 2015 and May 18, 2015; and

**WHEREAS**, in early 2014, the City Council commenced a process to review and revise Mercer Island's Town Center Development and Design Guidelines; and

**WHEREAS**, the Town Center Development and Design Guidelines process will be complete after the June 30, 2015 deadline for submitting an updated comprehensive plan; and

**WHEREAS**, more time is needed to fully incorporate public input from the Town Center

*process into the comprehensive plan; and*

**WHEREAS,** *continuous review of the comprehensive plan has been conducted over the previous year and a half; and*

**WHEREAS,** *opportunities for public comment have been provided throughout the comprehensive plan update process and public involvement has been encouraged by the City; and*

**WHEREAS,** *the City has demonstrated intent to comply with the Washington State Growth Management Act, Chapter 36.70A RCW, and substantial progress has been made towards updating the City's comprehensive plan.*

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AS FOLLOWS:**

**SECTION 1.** *The Mercer Island City Council needs more time to complete the public engagement process for the Town Center Development and Design Guidelines Update, which will inform the comprehensive plan update.*

**SECTION 2.** *The Mercer Island City Council intends to continue its review of the comprehensive plan update past the deadline of June 30, 2015, as established by RCW 36.70A.130(5)(a), to conduct a thoughtful, methodical analysis to most effectively encapsulate the desired vision for the City.*

**SECTION 3.** *The Mercer Island City Council anticipates adoption of the state mandated periodic 2015 comprehensive plan update upon completion of the Town Center visioning process.*

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND,  
WASHINGTON, AT ITS REGULAR MEETING ON THE 1ST DAY OF JUNE, 2015.  
CITY OF MERCER ISLAND**

Ms. Frey informed the Commissioners that they would see Comprehensive Plan Update items come their way as the work products become available.

She stated that the Draft Needs Assessment and Gap Analysis for Critical Areas Ordinance update is scheduled to be reviewed by the Technical Advisory Group (TAG) next Monday, March 21<sup>st</sup>. Then the information would be up for review by the Planning Commission at their March 28<sup>th</sup> meeting, followed by BOCC review April 6<sup>th</sup>. She noted that there were no outside applications for inclusions in the Annual Docket received by the February 1<sup>st</sup> deadline. The proposed Docket will be ready for review April 1<sup>st</sup> by the Board, then annual amendments would be reviewed at a public hearing by the Planning Commission by July 1<sup>st</sup>.

Planner Frey reiterated Mr. Higman's assertion that Code changes will be brought forward to redistribute the Comprehensive Plan Update's eight-year workload into each year's Docket. She stated that some of these changes will take much research and time to review and implement.

On today's discussion items, Ms. Frey noted that some items are community concerns and some are in response to newer Shoreline Master Program (SMP) regulations – including the creation of a new public access plan. Further, some items are being looked at because there is grant funding available to help cover costs, such as the study of the effect of sea-level rise in our area. Ms. Frey made the Commissioners aware that new items will be incorporated on an annual basis, in addition to the items already up for review. An example of this is the Supreme Court recently decided that jurisdictions must update their sign code. These items will be addressed on an as-needed basis.

Ms. Frey presented the following **Example Work Plan** to illustrate the type of list the Commissioners could expect to see in coming years.

Work Plan Item	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>COMP PLAN UPDATE (due 2016, 2024)</b>	H						H	H	H	
CWPP						H				
Scope of Work						M				
Population Projections							M			
Buildable Land Analysis	L						M			
UGA Boundary Review/Adjustments	M						M			
Concurrency Review	L							M	M	
SEPA	M					L		H	H	
<b>Elements/Chapters:</b>										
Housing Element	L	H	H				L			
Economic Development	L	H						M		
Historic Preservation	L		L	L	M	H			M	
Natural Resources	L			H				M		
SMP Element	L	L							L	
Capital Facilities	L					H			L	
Utilities	L							L		
Transportation	L		L				H	H		
Parks	L								H	
Land Use	M							H	H	
Introduction Chapter	L								M	
Implementation & Monitoring	L								M	
<b>Related Updates</b>										
Review of Level of Service Standards	M	M								
Critical Areas Ordinance Update					M	M			L	
Fish & Wildlife Update					M	M			L	
Rural Lands (Home Occupancy, Enforcement, VRBOs, etc)	M	M								
Public Access Plan (SMP Mandate)					H					
<b>COMMUNITY SUBAREA PLANNING</b>										
Freeland Subarea Plan	M						M			
Freeland Development Regulations	M						L			
Clinton Subarea Plan			H	H						
Evaluate Feasibility of Camano Subarea Plan (Future)										
Update Ebey's Comprehensive Plan		L	L	L	L	M				
Annual Review of Ebey's Design Guidelines (Req'd)	L	L	L	L	L	L	L	L	L	L
Subbasin Watershed Plans (Future)										
<b>Annual Reporting on Growth (per CWPP)</b>	L	L	L	L	L	L	L	L	L	L
CIP Comp Plan Concurrency	L	L	L	L	L	L	L	L	L	L
TIP Comp Plan Concurrency	L	L	L	L	L	L	L	L	L	L
<b>SMP (due 2020)</b>		L		M	M				L	
Update County Groundwater Mgmt Plan (Future)										
Coordinated Water Systems Plan & WSR		H	H							
Surface Water Quality Plan (Future)										
Sea Level Rise Plan & Reg Integration										
Adaptive Management Plan										
PBRS (propose: Program Update every 8 years)	L			M						
<b>2020 Census</b>										
- LUCA, PSAP boundary updates, etc.	L	M	M	L						
- Outreach			L	H	H					
Annual Code Audit & Cleanup	L	L	L	L	L	L	L	L	L	L
Sign Code Update (Per SCOTUS decision)		M								
Annual Zoning Map Cleanup	L	L	L	L	L	L	L	L	L	L
Annual Mapping Audit & Cleanup	L	L	L	L	L	L	L	L	L	L
<b>Ongoing Intergovernmental Coordination:</b>										
- Intergovernmental Planning Group (Annual)	L	L	L	L	L	L	L	L	L	L
- Water Resource Advisory Group (Monthly)	L	L	L	L	L	L	L	L	L	L
<b>Total Items on Docket</b>	<b>33</b>	<b>20</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>17</b>	<b>17</b>	<b>18</b>	<b>21</b>	<b>9</b>
<div> <div>L = 1 - 3 months</div> <div>M = 3 - 9 months</div> <div>H = 9 months to 2 years</div> </div>										
	24	12	13	12	10	10	11	11	13	9
	7	4	1	2	4	4	4	3	4	0
	2	4	2	2	2	3	2	4	4	0

Discussion clarified the following points:

- Based on this type of work plan, staff would look at the Housing Element and Rural Lands first, with initial discussions being slated for early next year.
- Staff will then focus on bringing Critical Areas Ordinance regulations in line with SMP regulations.
- Some of the items that have been placed on this calendar are very intensive projects. We need to remain aware of resources, time and limited staffing when deciding which items to tackle.
- Staff would like to help the BOCC and the Planning Commission decide what items are most important to them and to the public, so staff can create placeholders for these discussions within a future work plan.
- This future work plan is being discussed to help inform the public when certain items are likely to be discussed, as well as acting as a decision matrix so that the BOCC and Planning Commission can decide which items need priority. This also ensures that these changes are written into Code for items to be incorporated into the 2017 Annual Docket.
- Staff is seeking to formally include a Rural Lands discussion into this year's Docket, as well as grant-funded Seal Level Rise studies.
- Director Higman noted that a critical component of adopting this incremental process is ensuring that it is funded well, so that the Department is adequately staffed.
- Ms. Frey clarified that all previously discussed Phase II and III Code cleanup items are on the docket for this year.
- The Planning Department is researching funding for potential Docket items. The National Parks Service representative on the Ebey's Trust Board promised that he will check grant sources to see if some of these projects may qualify for grant funding.
- The State would like Island County to update its Coordinated Water System Program. This was adopted many years ago, but is in need of an update. Planners ask that this item be considered for the end of this year or next year.
- Commissioner Rick Hannold asked if implementing the sea level rise plan would require Island County to develop a regulatory system.
  - Director Higman noted that there is an association with sea level rise and the protection of private property. He suggested that the recent SMP Update and the goal of no net loss of ecosystems along the shoreline may not be consistent with the need to protect private property if sea levels rise.
- Commissioner Price Johnson suggested allowing enhanced protection for property owners along the shoreline but to also focus on maximizing mitigation in other areas. She would like to look at our shoreline permitting processes to see if this can be accomplished.
  - Director Hiller West noted that this process has already begun, starting with discussions with a Department of Natural Resources (DNR) consultant, Jim Johannessen. We may be able to get studies of stretches of shorelines underway.



- Commissioner Price Johnson noted that the FEMA work that we're paying for could be used for this purpose.
  - Mr. West acknowledged that this work could require making amendments to our SMP. Island County is scheduled for its next SMP update in 2020, but it may be wise to review some items before that, even beginning next year.
- Commissioner Jill Johnson observed that we don't have any more staff than we did previously, and cautioned that now is not the time to add anything new to the Docket, rather it is time to deliver on promises we made to the public. She advocated for allowing a review of the 2017 Docket later this year, but not formally add anything new yet.
- The Board agreed that the discussion on changes to ICC 16.26 should be deferred to the fall, after the Comprehensive Plan Update process is complete, but that Housing and Rural Lands discussion must take absolute priority.
- Planning Commissioner Caspers suggested forming subcommittees to help tackle some code amendment issues without having to involve the full Board and Planning Commission.

Ms. Frey asked for any other items that should be slated for discussion this fall.

- Planning Commission Chair, Dean Enell, noted that the goals of the Growth Management Act (GMA) are to avoid sprawl, allocate growth to areas with infrastructure and preserve open space. Mr. Enell observed that we seem to be allocating 20% of our growth to areas with infrastructure, and 80% to rural areas, which is clearly opposed to GMA goals. He would like the Board and Planning Commissioners to recognize that this is the wrong direction, and have a discussion on how to correct that.
  - Ms. Frey and Mr. Higman noted that the Rural-to-Urban shift conversation will take place during this afternoon's workshop. Making changes in this area will require some high-level policy decisions.

*Commissioners agreed to recess at 10:39 a.m.*

*Commissioners returned at 10:54 a.m.*

## **PLANNING COMMISSION JOINT WORKSHOP WITH THE BOARD OF COUNTY COMMISSIONERS**

### ***UGA BOUNDARY REVISIONS AND PROPOSED ZONING CHANGES; BUILDABLE LANDS***

Planner Becky Frey presented the Planning Department's Urban Growth Area (UGA) Changes and Buildable Lands Analysis results. [Reference materials: *Island County 2036 Urban Growth Area & Joint Planning Area Updates* – PowerPoint; Memo dated 3/8/16 with enclosures: *Final Buildable Lands Analysis; Preliminary Draft Maps for Discussion.*]

Discussion clarified the following points:

- The numbers on page two of the Department's memorandum (dated 3/8/16) represent proposed zoning changes, not current zoning. Even with proposed zoning changes, these areas will have plenty of capacity.

- Coupeville doesn't need to adjust its UGA, but is also exempted because it is within a Historical Reserve.
- The City of Langley supports shrinking the Langley UGA to city limits.
- The Naval Air Station Whidbey Island plans to grow 243-860 more military positions, but plans to disestablish a unit of 500 positions. This means that the net change will be no greater than 360 new positions, and there could even be a net loss. Planners have included 1000 military positions with families in their projections, so there will be more than enough capacity.
- "Capacity" in this sense means land available for building residential units, and takes into account prior patterns of use as well as potential capacity.
- If at any point population or jobs exceed expectation, UGAs will be reevaluated. Many factors may influence growth or trigger a review. One example of this is if Freeland were to get the sewer service it expects. This provision is written into our County Wide Planning Policies (CWPP).
- Freeland UGA required specific evaluation criteria, since it is a Non-Municipal Urban Growth Area (NMUGA). Sewer systems are scheduled to be built in 2018, if funding is ready.
- Director Higman noted that before completion of the Comprehensive Plan Update, we will first update the Freeland Subarea Plan and adoption of development regulations that are specific to Freeland NMUGA. He expects that when those development regulations are crafted, that we will apply the same criteria to protection of wetlands as we do elsewhere.
- Commissioner Saul asked what benefit or detriment property owners could expect if they were removed from the UGA as a result of these changes.
  - Planner Frey noted that some would be transitioned to Rural Areas of Intense Development (RAID) zoning, in which there would be no impact. Others may see their development potential affected.
- CWPP dictates that a property cannot be removed from a UGA if it has city sewer service.
- Planners had discussions with affected property owners and made them aware that they may be annexed by the city into the UGA if they wish, contingent upon the property obtaining sewer service.

*Commissioners agreed to recess for lunch at 12:15 p.m.*

*Commissioners returned at 12:39 p.m.*

## LANGLEY ZONING DISCUSSION

- Planner Frey stated that the plan to remove properties from the Langley UGA will involve moving these properties to standard County Rural Zoning, which is the least restrictive. If the property owners in question request a different designation, then those applications will be evaluated and granted if they meet the criteria. She also noted that there will be no tax program impact.
- Staff would like the Board to determine what the application process should be for those wishing to change their zoning designation from Rural. One option is to waive the rezoning application fee for two or three years. This would allow property owners to absorb the changes and grasp the concepts before making a decision.

Commissioners agreed that they would like to offer no-fee rezoning applications for these property owners until January 1, 2020.

## FREELAND ZONING DISCUSSION

- Holmes Harbor is currently Rural Residential. This proposed change would officially designate it as a RAID.
- We will hire consultants who will help determine if there are any legal or logistical problems with zoning changes in Freeland, and especially in Holmes Harbor. We can also ask the consultants if there are other, better options that we have not yet considered.
- RAIDs cannot be immediately adjacent to UGAs.
- Commissioners discussed concerns about property owners no longer being able to subdivide in these areas, where they had previously been allowed to.
- Staff noted that there are only three options for these areas:
  1. Designate as part of a UGA
  2. Designate as not a RAID i.e. Rural, Rural Agriculture
  3. Change State law

## OAK HARBOR ZONING DISCUSSION

- Spurred by the CWPP, all zoning designations that are outside the city limits are being removed, to be replaced with Urban Holding Areas, which are still within the UGA.
- This would mean that property owners cannot develop at urban densities until they are officially annexed by the City of Oak Harbor. Oak Harbor will not initiate annexation; property owners must request annexation.
- Mr. West stated that under current zoning, a property owner could develop to their designation, but the new Urban Holding designation would limit property owners to single family densities until their property is annexed.
- Planner Nathan Frey noted that one benefit to this plan for the city as a whole, is that it will encourage more uniformity within the city by annexing pockets that are currently not absorbed into the city. Property owners would be required to obtain annexation before they would be allowed to develop at urban densities.
- Oak Harbor intends to logically, sequentially annex its employment sectors within the next 20 years.
- Commissioners expressed concerns about not having a mechanism in place to welcome business such as light industrial or manufacturing. Commissioner Price Johnson noted that an investment of Rural Economic Development funds was made to improve infrastructure along Goldie Road in Oak Harbor. Commissioner Jill Johnson stated that this area, which is already annexed, is underutilized and underdeveloped. She stated that moving these zoning designations to Urban Holding would allow property owners to have more flexibility in planning what they want to do in these areas.
- Staff and Commissioners agreed that they would like to move forward with the proposal as presented in the CWPP, with flexibility and provisions to revisit the issue when necessary.
- Staff asked Commissioners to also consider definition for “minor redevelopment,” within the context of the Urban Holding designation.

*Commissioners agreed to recess at 2:02 p.m.  
Commissioners returned from recess at 2:12 p.m.*

Commissioners and staff discussed the next phase of the workshop, determining areas where they are interested in an investment in additional time and research this year.

*Commissioners agreed to recess to evaluate maps at 2:21 p.m.  
Commissioners returned at 2:41 p.m.*

Commissioners expressed a desire to have a conversation soon about clear cuts in Island County and review possible loopholes in the clearing and grading permitting process.

*Commissioner Saul exited the meeting at 2:56 p.m.*

#### JOINT PLANNING AREAS DISCUSSION

CWPP mandated that zoning overlays were established to control future urban growth expansion, to prioritize and sequentialize how growth occurs.

*Commissioner Yonkman exited the meeting at 3:24 p.m.*

*Commissioners agreed to recess at 3:40 p.m. to view overlay maps.  
Commissioners returned from recess at 3:55 p.m.*

*Commissioner Caspers exited the meeting at 3:55 p.m.*

Commissioners recommended amending interlocal agreements to make them relevant instead of getting rid of them. That is a change from what was discussed last year. Ms. Frey noted that we are not obligated to remove the interlocal agreements, just to update them.

Commissioners recommended getting rid of any Coupeville JPA overlays, and let this area follow Reserve policy. Ms. Frey noted that having a JPA overlay on this area is not required.

*Commissioner Hillers moved to adjourn, Commissioner Krug seconded, motion carried unanimously.*

Meeting adjourned at 4:06 p.m.

Respectfully submitted,

Allegra Clarkson